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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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11 ALBERTO GUTIERREZ,) **CASE NO. CV10-04428-DDP (CWx)**
12) *[Assigned to the Hon. Dean D. Pregerson,*
13 Plaintiff,) *Courtroom 3]*
14)
15 vs.) **(PROPOSED) ORDER GRANTING**
16) **STIPULATION RE: PROTECTIVE**
17 PHILLIP SOLANO, COUNTY OF) **ORDER**
18 LOS ANGELES, MAYELA)
19 GUTIERREZ GIL, RUSSELL)
20 VERDUZCO, DOES 1 THROUGH 10,) **NOTE CHANGES MADE BY COURT**
21 INCLUSIVE,)
22 Defendants.)
23)
24)
25)
26)
27)
28)
AND ALL RELATED CROSS) **Complaint Filed: June 16, 2010**
ACTIONS.)
TRIAL DATE: February 28, 2012

The Parties' Stipulation and [Proposed] Protective Order have come before this Court.

The Court hereby grants the Parties' Stipulation for Protective Order precluding publication and limiting the use of documents and information identified herein which contain confidential and privileged information:

1 1. Information contained in the personnel files of Defendants PHILLIP
2 SOLANO and RUSSELL VERDUZCO, including information pertaining to any
3 administrative investigation related to the allegations in the Second Amended
4 Complaint.

5 2. Good cause exists for issuance of a protective order pursuant to Federal
6 Rule of Civil Procedure Rule 26(c) to facilitate the production of documents and
7 information responsive to questions in deposition and the discovery requests of
8 Plaintiff ALBERTO GUTIERREZ (hereinafter "PLAINTIFF") and to balance the
9 privacy interests and protection of information of PHILLIP SOLANO and RUSSELL
10 VERDUZCO that is protected by California *Evidence Code* §§ 1040 et seq. and the
11 official information privilege (*Sanchez v. City of Santa Ana*, 936 F.2d 1027, 1033
12 (9th Cir. 1990)).

13 IT IS FURTHER STIPULATED THAT:

14 3. The information and/or documentation referred to in paragraph 1 above
15 will be referred to collectively as the "CONFIDENTIAL INFORMATION." The
16 Court orders that the CONFIDENTIAL INFORMATION be released to the Parties
17 for purposes of litigation in this matter. The parties and their respective counsel
18 hereby stipulate that the CONFIDENTIAL INFORMATION shall be used in this
19 litigation as follows:

- 20 a. CONFIDENTIAL INFORMATION and the information contained
21 therein shall be used solely in connection with this litigation and the
22 preparation of this case, or any related appellate proceeding, and
23 not for any other purpose, including any other litigation or
24 administrative proceedings.
- 25 b. CONFIDENTIAL INFORMATION produced in this action may be
26 designated by Defendants COUNTY OF LOS ANGELES,
27 PHILLIP SOLANO, and RUSSELL VERDUZCO (hereinafter
28 collectively "DEFENDANTS") by marking each page of the

- document(s) with a stamp stating “CONFIDENTIAL”;
- c. Under no circumstances shall the CONFIDENTIAL INFORMATION, or the information contained therein, be retained, compiled, stored, used as a database, or disseminated, in any form, except for purposes of this litigated matter in accordance with this Protective Order or by further order of the Court;
 - d. DEFENDANTS reserve all objections, including but not limited to the following objections: on grounds that particular documents are CONFIDENTIAL by the attorney-client and/or the attorney work product doctrine; official information privilege; are not likely to lead to the discovery of admissible evidence, and as such are not relevant to the causes of action raised by this lawsuit under Federal Rules of Civil Procedure, Rule 26(a)(1)(A)(B); and all remedies under the code, including the right to recess the deposition to bring a protective order before the Court;
 - e. PLAINTIFF reserves all rights and remedies under the Federal Rules of Civil Procedure and the Federal Rules of Evidence pertaining to discovery;
 - f. CONFIDENTIAL INFORMATION and the information contained therein may not be disclosed, except as set forth in paragraph 2(g) below;
 - g. CONFIDENTIAL INFORMATION and the information contained therein may only be disclosed to the following persons:
 - i. Counsel for PLAINTIFF and PLAINTIFF.
 - ii. Defendant MAYELA GUTIERREZ GIL.
 - iii. Paralegal, law clerk, stenographic, clerical and secretarial personnel regularly employed by counsel referred to in paragraph 2(g)(i) above.

- iv. Court personnel, including stenographic reporters, necessary for the preparation and processing of this action.
- v. Any expert or consultant retained in the instant case.
- vi. Any individual approved by the Court.
- h. CONFIDENTIAL INFORMATION shall not be divulged to any other person or entities, including the print, radio, television media;
- i. CONFIDENTIAL INFORMATION shall not be posted on the internet or on any website;
- j. If CONFIDENTIAL INFORMATION is included in any papers to be filed in Court, such papers shall be labeled "Confidential – Subject to Court Order" and ~~filed~~ **submitted for filing** under seal ~~until further order of the Court pursuant to Local Rule 79-5;~~
- k. **Subject to further order of the court before which a proceeding is held,** in the event that any of the CONFIDENTIAL INFORMATION is used in any Court proceeding in this action, it shall not lose its confidential status through such use, and the party using CONFIDENTIAL INFORMATION shall take all reasonable steps to maintain its confidentiality during such use; and
- l. Nothing in paragraph 2(c) is intended to prevent authorized government officials for the County of Los Angeles from having access to the documents if they had access in the normal course of their job duties;

4. PLAINTIFF, PLAINTIFF's Counsel, Defendants, and Defendants' Counsel shall cause the substance of this Protective Order to be communicated and obtain agreement to abide by the Protective Order to each person whom CONFIDENTIAL materials are revealed in accordance with this Order.

5. After completion of the judicial process in this case, including any appeals or other termination of this litigation, all CONFIDENTIAL INFORMATION

1 received under the provisions of this Order and copies thereof shall be destroyed or
2 returned to the attorneys of record for Defendants COUNTY OF LOS ANGELES,
3 PHILLIP SOLANO, and RUSSELL VERDUZCO, Collins Collins Muir + Stewart
4 LLP, 1100 El Centro Street, South Pasadena, CA 91030. The provisions of this Order
5 shall be in effect until further order of this Court.

6 6. That any counsel, expert or consultant retained in the instant case or
7 investigator retained by counsel for any party to this case, shall not disclose the
8 CONFIDENTIAL INFORMATION or the information contained therein in any other
9 court proceeding subject to further order of this Court.

10 7. Provisions of this Order insofar as they restrict disclosure and the use of
11 material shall be in effect until further order of this Court.

12
13 DATED: September 30, 2011

_____/s/_____
Honorable Carla Woehrle
UNITED STATES MAGISTRATE JUDGE